

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ALBERTA DUKES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:11-CV-1063-SS
)	
ERIC K. SHINSEKI,)	
Secretary, Department of Veterans Affairs,)	
)	
Defendant.)	

DEFENDANT'S NOTICE TO THE COURT

TO THE HONORABLE SAM SPARKS, UNITED STATES DISTRICT JUDGE:

Defendant notifies the Court that Plaintiff has signed, and has delivered to Defendant, a Notice of Dismissal With Prejudice. (See Exhibit 1 attached hereto.) The undersigned mailed Plaintiff a copy of the Notice of Dismissal With Prejudice for her review after Plaintiff contacted Defendant to express her desire to dismiss her lawsuit. (See Exhibits 2 and 3, attached.)

Plaintiff's notice of dismissal terminates this action. FED.R.CIV.P. 41(a)(1)(A)(i).

DATED: March 23, 2012

Respectfully submitted,
ROBERT PITMAN
United States Attorney

By: /s/ Joseph C. Rodriguez
JOSEPH C. RODRIGUEZ, AUSA
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5597
Ohio Bar No. 0072958
Tel. (210) 384-7305; Fax. (210) 384-7312
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March 2012, a true and correct copy of the foregoing was sent, via first-class U.S. Mail, to: Alberta Dukes, P.O. Box 18712, Austin, Texas 78760.

/s/ Joseph C. Rodriguez

JOSEPH C. RODRIGUEZ, AUSA

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALBERTA DUKES,

Plaintiff,

v.

ERIC K. SHINSEKI,
Secretary, Department of Veterans Affairs,

Defendant.

Case No. 1:11-CV-1063-SS

PLAINTIFF'S NOTICE OF DISMISSAL WITH PREJUDICE

Plaintiff hereby gives notice that she is dismissing all of her claims in the above-entitled action, with prejudice.

Respectfully submitted

Date:

3/19/2012



ALBERTA DUKES, Plaintiff *pro se*
P.O. Box 18712
Austin, Texas 78760

*U. S. Dept of Justice
P.O. Box 18712
Austin, TX 78760*

RECEIVED

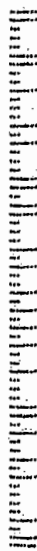
2012 MAR 22 A 9:58

ADMIN. DIVISION
U.S. ATTORNEY'S OFFICE
WESTERN DISTRICT OF TX
SAN ANTONIO, TX

Civil

*U.S. Dept of Justice
U.S. State Attorney's Office
Western District of TX
601 N.W. Loop 410 Suite 600
San Antonio, TX 78216*

7821655798



U.S. MAIL
FIRST CLASS PERMIT NO. 1000
SAN ANTONIO, TX 78201

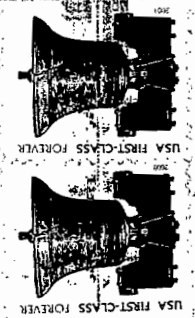


EXHIBIT 2

Rodriguez, Joe (USATXW)

From: Harford, Janet [Janet.Harford@va.gov]
Sent: Wednesday, March 07, 2012 4:41 PM
To: 'tom@cranelawyer.net'
Cc: Rodriguez, Joe (USATXW)
Subject: FW:

Mr. Crane:

I received the e-mail below from Ms. Dukes and referred her to you for guidance.

Regards,

Janet E. Harford

Attorney
Department of Veterans Affairs
Office of Regional Counsel (02)
(254) 743-2340
Fax: (254) 743-2336
janet.harford@va.gov

From: Harford, Janet
Sent: Wednesday, March 07, 2012 4:26 PM
To: Dukes, Alberta M
Subject: RE:

Ms. Dukes:

You need to contact your lawyer, Mr. Thomas J. Crane at (210) 736-1110 [tom@cranelawyer.net], and he can contact Joe Rodriguez, AUSA at (210)384-7305 regarding the process to follow.

Janet E. Harford

Attorney
Department of Veterans Affairs
Office of Regional Counsel (02)
(254) 743-2340
Fax: (254) 743-2336
janet.harford@va.gov

From: Dukes, Alberta M
Sent: Wednesday, March 07, 2012 3:38 PM
To: Harford, Janet
Subject:

I would like to drop my case, Can't afford it. What do I need to do?

Alberta Dukes
Medical Administrative Services
Lead Medical Support Assistant



Austin VA Outpatient Clinic
512 389 6589 phone
512 389 6587 fax #

EXHIBIT 3



United States Department of Justice
United States Attorney
Western District of Texas

Joseph C. Rodriguez
Assistant United States Attorney

601 N. W. Loop 410, Suite 600
San Antonio, Texas 78216

Direct Line: (210) 384-7305
Fax: (210) 384-7312

VIA FIRST CLASS U.S. MAIL

March 14, 2012

Alberta Dukes
PO Box 18712
Austin, Texas 78760

Alberta Dukes
1901 Willow Creek, # 205
Austin, Texas 78741

Re: Alberta Dukes v. Eric K. Shinseki, Secretary, Dep't of VA, No. A-11-CA-1063-SS

Dear Ms. Dukes:

Our office represents the Defendant in the above-matter. As you may know, your attorney, Thomas J. Crane, filed a motion to withdraw from this case on March 6, 2012. On March 13, 2012, the Court granted the motion and allowed Mr. Crane to withdraw from this case. In doing so, the Court noted that you are now representing yourself *pro se* in this action.

It recently came to my attention that on March 7, 2012 you offered to dismiss your lawsuit against Defendant. If you would still like to dismiss your lawsuit, enclosed is a Notice of Dismissal With Prejudice. Please sign and date the notice and file it with the Court. Alternatively, you can send it back to me, signed and dated, and I will file the notice with the Court. If you would like to continue with this action, then you must properly complete service on Defendant as ordered by the Court in its March 13, 2012 Order.

In addition, I noticed that you were previously sanctioned \$1,000 on January 24, 2006 in another lawsuit that you filed against Defendant. (See enclosure). Upon information and belief, you still have not paid that \$1,000 sanction. If you have paid that \$1,000 sanction, please let me know.

If you have retained new counsel in this case, please forward this correspondence to your new attorney and have that attorney contact me directly. Unless you tell me otherwise, I will assume that you are continuing to represent yourself in this case *pro se*. Because you are *pro se* in this case, I ask that you communicate with me in writing only.

Sincerely,
ROBERT PITMAN
UNITED STATES ATTORNEY


JOSEPH C. RODRIGUEZ
Assistant United States Attorney

Enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ALBERTA DUKES,

Plaintiff,

v.

ERIC K. SHINSEKI,
Secretary, Department of Veterans Affairs,

Defendant.

Case No. 1:11-CV-1063-SS

PLAINTIFF'S NOTICE OF DISMISSAL WITH PREJUDICE

Plaintiff hereby gives notice that she is dismissing all of her claims in the above-entitled action, with prejudice.

Respectfully submitted

Date: _____

ALBERTA DUKES, Plaintiff *pro se*
P.O. Box 18712
Austin, Texas 78760

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
2006 JAN 24 PM 4:06
CLERK
WESTERN DISTRICT OF TEXAS
BY _____

ALBERTA DUKES,

Plaintiff,

-vs-

Case No. A-05-CA-360-SS

R. JAMES NICHOLSON, Secretary, Department
of Veterans Affairs,
Defendant.

ORDER

BE IT REMEMBERED on the 24th day of January 2006 the Court reviewed the file in the above-styled cause, the Court reviewed the above-styled case, and specifically the defendant's "Motion to Dismiss Pursuant to 28 U.S.C. § 1915(e)(2)" and thereafter, enters the following:

The defendant R. James Nicholson, Secretary of Veterans Affairs, Department of Veterans Affairs, filed a motion to dismiss on December 12, 2005, specifically alleging plaintiff Alberta Dukes "misrepresented her financial status when she applied for in forma pauperis status" and supplied indisputable evidence that Ms. Dukes' declaration under the penalties of perjury gave completely false information. Ms. Dukes has filed no pleadings disputing the evidence presented by the defendant nor has she responded to these pleadings. Ms. Dukes previously sued the Secretary of the Department of Veterans Affairs in cause number A-04-CV-743. That lawsuit ended on December 12, 2005, whereby the defendant Secretary of Veterans Affairs obtained judgment as a matter of law regarding Ms. Dukes' allegations and pleadings. Ms. Dukes was allowed to proceed in forma pauperis in cause number A-04-CV-743.

Neither of the lawsuits filed by Ms. Dukes had substantive merit with the result of the American taxpayers incurring substantial liability with the defense of these lawsuits and Ms. Dukes not even having to pay court costs.

IT IS THEREFORE ORDERED that the order permitting Alberta Dukes to proceed in forma pauperis in this case is REVOKED AND HELD FOR NAUGHT.

IT IS FURTHER ORDERED that Alberta Dukes is sanctioned in the amount of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) for her intentional misrepresentation to the United States Magistrate Judge regarding her financial circumstances.

IT IS FINALLY ORDERED that the above-styled and numbered cause be, and the same is hereby, DISMISSED with prejudice to the rights of Alberta Dukes and with all costs of suit and the sanction of \$1,000.00 taxed against Alberta Dukes, for which let execution issue.

SIGNED this the 24th day of January 2006.


UNITED STATES DISTRICT JUDGE